

Appl. No. 10/643,932
Reply to Office Action of April 20, 2005

REMARKS

Claims 1-21 remain in the application. Claim 13 is amended herein.

The Examiner rejected claims 1-21 under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, the Examiner indicated that the expression "high reflectivity" and the word "type" used in some of the claims are vague and indefinite. Applicant respectfully disagrees with the Examiner. First, the same language is used in the claims of U.S. Patents No. 6,248,433 and 6,632,516, both of which have been examined by the same Examiner. The word "type" is used in claim 5 of U.S. Patent No. 6,632,516. The meanings of the expression "high reflectivity" and the word "type" have not changed since that time. Applicant asserts to the Examiner that a person skilled in the art would know the meaning of the expression "high reflectivity" upon reading the specification. As for the word "type", it is used in the context of the expression "closed-cell type insulation". Again, Applicant asserts to the Examiner that a person skilled in the art would know the meaning of that expression upon reading the specification. Reconsideration of the Examiner's objection to claims 1-21 is earnestly solicited.

The Examiner rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 3,640,832 to *Kurz*. *Kurz* discloses a heat insulating material comprising a carrier sheet having a vapor-deposited, reflecting metal layer thereon. The metal layer is covered by a coating applied by spraying (see column 2, lines 46-49). Contrary to Examiner's statement, *Kurz* does not teach nor suggest to provide an insulative material comprising an outer polyester sheet, a plastic backing and an aluminum film between the polyester sheet and the plastic backing, wherein the polyester sheet has a high smoothness such that the aluminum film is substantially uniformly coated thereon. There is clearly a link between the "high reflectivity" and the "high smoothness". The Examiner must also consider the fact that *Kurz* does not disclose the metal layer being coated on the polyester sheet. Instead, the metal layer is vapor-deposited on the carrier sheet 2. The polyester outer layer is a coating 4 that is substantially applied subsequently on the metal layer, for example by spraying. *Kurz* fails to disclose or suggest a metal layer being vapor-deposited on a polyester sheet having a high smoothness.

Appl. No. 10/643,932
Reply to Office Action of April 20, 2005

Claims 2 and 3 are believed to be patentable, at least for the reasons stated in the preceding paragraph. Moreover, Applicant disagrees with the Examiner on the fact that the melting point of the polyester sheet and the optical density of the polyester sheet are disclosed in or are obvious over *Kurz*. *Kurz* does not show nor suggest these limitations. Reconsideration of the Examiner's rejection of claims 1-3 is solicited.

The Examiner rejected claims 6, 11 and 12 under 35 U.S.C. §103(a) as being made obvious by *Kurz*. Since these claims depend either directly or indirectly upon allowable claim 1, it is believed that these claims are patentable at least for the reasons stated above. Also, *Kurz* fails to disclose the limitation set forth in these claims. Reconsideration of the Examiner's rejection of claims 6, 11 and 12 is earnestly solicited.

The Examiner rejected claims 13-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Kurz* taken in view of either U.S. Patent No. 4,705,717 (*Cain et al.*) or U.S. Patent No. 4,281,802 (*Burley*). Applicant disagrees with the Examiner since these claims are patentable at least for the reasons stated above. The Examiner will note that amended claim 13 is now dependent upon allowable claim 1. Reconsideration of the Examiner's rejection of claims 13-15 and 17 is earnestly solicited.

Cain et al. disclose a tent liner, particularly for cold weather use. It does not teach or suggest a high reflectivity insulative material as claimed in claim 1. Moreover, it does not teach nor suggest such high reflectivity insulative material having an insulation layer on the side of the plastic backing opposite the aluminum film and a plastic sheet on the side of the insulation layer opposite the plastic backing.

Burley discloses a membranous thermal barrier for an ice surface. It does not disclose nor suggest a high reflectivity insulative material, such as the one in claim 1. It does not teach nor suggest such high reflectivity insulating material having an insulation layer on the side of a plastic backing opposite the aluminum film and a plastic sheet on the side of the insulation layer opposite the plastic backing. Reconsideration of the Examiner's rejection of claims 13-15 and 17 is earnestly solicited.

In response to the non-statutory double patenting rejections, Applicant encloses two terminal

Appl. No. 10/643,932
Reply to Office Action of April 20, 2005

disclaimers, one covering U.S. Patent No. 6,248,433 and the other for U.S. Patent No. 6,632,516.

Applicant noted that claims 5, 8-10 and 16 have not been rejected on the basis of adverse prior art.

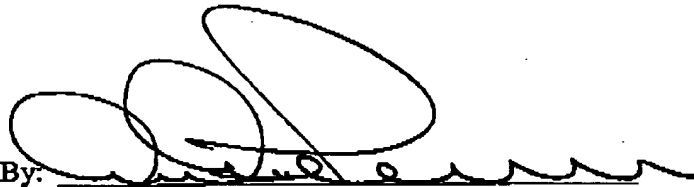
In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

RESPECTFULLY SUBMITTED,

Date:

July 12, 2005

By:



Nicolas Pellemans, Reg. No. 38,797
Agent of record
Tel: (514) 847-4639

Customer Number 020988
OGILVY RENAULT
1981 McGill College, Suite 1600
Montréal (Québec) Canada, H3A 2Y3

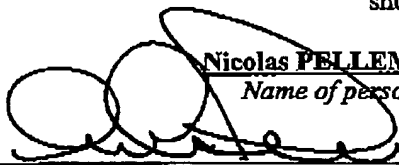
Encls. : Fee transmittal form (1 page)
PTO/SB/26 Forms (2 pages)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office central fax number (703) 872-9306 on the date shown below.

Nicolas PELLEMANS, REG. NO. 38,797

Name of person signing certification



July 12, 2005

Signature

Date